1943

Fil No. Pensions II/43

Leg Department

B BRANCH

Subject:

Rules and Notifications

under the

Pensions Act, 1871

(F 7h/E)

File No. Pensions II/43,

Gen. 194 e.

150 B

Office of the R.L.A.

Action upon the suggestion made by the Commissioner, Northern Division, in his letter of 15th July 1942 Government issued orders that no payment of cash allowances should be made during the last quarter of the year and directed the Commissioners to consider the amendment of rule 10 of the rules made under the pensions Act, 1871 (vide G.R.,R.D.,No.p.222,dated 1st September 1942). The Commissioner, Central ~~Rxix~~ Division, has accordingly sent a draft amendment of rule 10 which has been agreed to by the Commissioner,N.D., and S.D. & The amendment suggested by the Commissioner is the addition of a proviso to rule 10 to the effect that no payment of pensions or grants except thos e fixed for monthly or quarterly payments as laid down in rule 10 shall be made in the last quarter of the year. This implies that the Collector can make payments of pensions or grants fixed for monthly or quarterly payments even during the last quarter of the financial year, but this seems to be contrary to the Government Resolution, Revenue Department No.p.222 dated the 1st September 1942. Before, therefore, the rule is scrutinized the R.D. is requested to make the intention clear.

Id/- P.N.M.

Remembrancer of Legal Affairs.

U.R. to R.D.,No.988,dated the 9th February 1943.

R.D.P.
14/7/~~43~~56.

S.C.

NOTIFICATION.

Revenue Department,

Bombay Castle, 1943.

Pensions Act, 1871.

No.6867-P/24. - In exercise of the powers conferred by sections 5, 8 and 14 of the Pensions Act 1871 (XXIII of 1871), the Commissioner, Northern, Central and Southern Divisions, as the Chief Revenue Authorities, in their respective Divisions have, with the approval of the Government of Bombay made the following amendment in the rules published in Government Notification, Revenue Department, No. 10525, dated the 29th August 1917, namely:-

To rule 10 of the said rules, the following proviso shall be added, namely:-

"Provided that no payments of pensions or grants in one lump sum shall be made in the last quarter of the financial year.

By order of the Governor of Bombay,

Secretary to Government.

R.D.P.
14/7/43

S.C.

Office of the R.L.A.

As suggested by the R.L.A. in his opinion No.988 dated 9th February 1943 at pages 11-12 ante, the R.D. has made it intention clear by amending its resolution No.P.222 dated 1st September 1942 (See G.R.R.D.No.P.222 dated 12-6-43 According to the amended G.R. no payments of cash allowanc except those fixed for monthly or quarterly payments are t be made during last quarter of the year. The year is presumably the financial year and R.D. should have made this clear. According to the revised orders monthly or quarterly payments of cash allowances can be made even during the period from January to March but no payments in a lump sum can be made during that period. It does not appear that any amendment of the rules under the Pensions Act, 1871, is necessary to give effect to these orders. Under rule 10 of the rules all payments of pensions or grants are usually to be made in one lump sum for the year commencing on the 1st May and ending of the 30th April, but applications for their payment by monthly or quarterly instalments may be considered and disposed of by the Collect Under sub-rule (1) of rule 19 all pensions and grants shall be deemed to be due on the 1st May next after the completion of the year in respect of which they are payable, but shall ordinarily be payable only in the months respectively fixed or hereafter to be fixed, by or under the orders of Government payment of pensions and grants of the various discriptions. Under sub-rule (2) of rule 19 when payments in monthly or quarterly instalments has been directed by the Collector under rule 10, payments will be made directed by the Collector under rule 10, payments will be made in accordance with such direction. It will follow from these provisions that when the Collector has granted application for payment of pensions or grants in monthly or quarterly instalments payments can be made accordingly, but in other cases payments can be made only in the months fixed by or under the orders of Government. To achieve the object in

view , Government should under rule 19 fix such months for making payment of pensions and grants in a lump sum (including payment of arrears in a lump sum) as do not fall in the last quarter of the financial year. No amendment of the Pensions Rules for the purpose would therefore appear to be necessary.

Id/-

P.N.M.

14/6/43.

Remembrancer of Legal Affairs.

U.O. to R.D.No.4217, dated the 15th June 1943.

R.D.P.
14/7/56

S.C.